

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

APPLETON PAPERS INC.  
AND NCR CORPORATION,

Plaintiffs,

vs.

Case No. 08-CV-00016-WCG

GEORGE A. WHITING PAPER  
COMPANY, et al.,

Defendants.

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**DEFENDANT CITY OF APPLETON'S ANSWER TO  
EIGHTH AMENDED COMPLAINT OF APPLETON PAPERS INC.**

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Comes now the defendant City of Appleton, by its undersigned counsel, answers Appleton Paper Inc.'s Eighth Amended Complaint and incorporates its Answer and Affirmative Defenses to the Sixth Amended Complaint, constituting its Answer and Affirmative Defenses to the Seventh Amended Complaint by stipulation and order as follows:

**THIRD CLAIM  
(Subrogation)**

1. The City of Appleton lacks knowledge or information to form a belief as to the truth of the allegations in Paragraph 1 and therefore denies.
2. The City of Appleton lacks knowledge or information to form a belief as to the truth of the allegations in Paragraph 2 and therefore denies.
3. The City of Appleton lacks knowledge or information to form a belief as to the truth of the allegations in Paragraph 3 and therefore denies.
4. Upon information and belief, admits.

5. Upon information and belief, admits.
6. The City of Appleton lacks knowledge or information to form a belief as to the truth of the allegations in Paragraph 1 and therefore denies.
7. The City of Appleton lacks knowledge or information to form a belief as to the truth of the allegations in Paragraph 1 and therefore denies.
8. The City of Appleton lacks knowledge or information to form a belief as to the truth of the allegations in Paragraph 1 and therefore denies.
9. Admits.
10. Admits.
11. Admits.
12. Admits.
13. The City of Appleton lacks knowledge or information to form a belief as to the truth of the allegations in Paragraph 13 and therefore denies.
14. Paragraph 14 contains a legal conclusion to which no response is required. To the extent a response is required, the City of Appleton lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 and therefore denies.
15. Paragraph 15 contains a legal conclusion to which no response is required. To the extent a response is required, the City of Appleton lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 and therefore denies.
16. Paragraph 16 contains a legal conclusion to which no response is required. To the extent that a response is required, the City of Appleton denies that API is entitled to subrogation from the City of Appleton. The City of Appleton lacks knowledge or information to form a belief as to the truth of the remaining allegations in Paragraph 16 and therefore denies.

## **AFFIRMATIVE DEFENSES**

1. The City of Appleton incorporates all affirmative defenses set forth in the City of Appleton's Answer and Affirmative Defenses to the Sixth Amended Complaint, constituting its Answer and Affirmative Defenses to the Seventh Amended Complaint by stipulation and order.

Dated: October 22, 2012.

/s/ Ted Waskowski

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### **CITY OF APPLETON**

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